IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

MR. MICHAEL B. WOOLMAN,)	4:13CV3025
)	
Plaintiff,)	
)	
V.)	MEMORANDUM
)	AND ORDER
VALENTINO'S EMPLOYEE'S &)	
FAMILY,)	
)	
Defendant.)	

This matter is before the court on Plaintiff's Motion for Voluntary Dismissal. (Filing No. <u>10</u>.) Also pending is Plaintiff's Motion for Protective Order. (Filing No. <u>1</u>.)

Pursuant to <u>Fed. R. Civ. P. 41</u>, a plaintiff may dismiss an action by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment, or by filing a stipulation of dismissal signed by all parties who have appeared. <u>Fed. R. Civ. P. 41(a)(1)</u>. In addition, a court may grant a request for voluntary dismissal "on terms that the court considers proper." <u>Fed. R. Civ. P. 41(a)(2)</u>.

Plaintiff filed his Motion for Voluntary Dismissal on March 27, 2013. (Filing No. 10.) In his Motion, Plaintiff asks the court to dismiss this matter because "the party was not sought as true." (Id. at CM/ECF p. 1.) Plaintiff is proceeding pro se and Defendants in this matter have not been served with his Complaint. In light of this, Plaintiff's Motion for Voluntary Dismissal is granted in accordance with Federal Rule of Civil Procedure 41(a) and this matter is dismissed without prejudice.

IT IS THEREFORE ORDERED that:

- 1. Plaintiff's Motion for Voluntary Dismissal (filing no. <u>10</u>) is granted and this matter is dismissed without prejudice.
 - 2. Plaintiff's Motion for Protective Order (filing no. 1) is denied as moot.
- 3. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 1st day of April, 2013.

BY THE COURT:

s/John M. Gerrard
United States District Judge

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